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Approval of Private Occupational Schools Requiring Certification

(Transferred from §§ 10-71-1—10-71-15, July 25, 1997)

Sec. 10a-22k-1. Authority

These regulations are authorized by Section 10a-22k of the general statutes.

(Effective October 10, 1984; transferred and amended July 25, 1997)

Sec. 10a-22k-2. Definitions

(a) “Applicant” means a person, board, association, partnership, corporation or other entity applying for authorization to operate a school or provide occupational instruction qualifying an individual for employment.

(b) “Board” means the State Board of Governors of Higher Education.

(c) “Branch or extension” means a subdivision of a school located at a different facility and geographical site from the school, but does not include an additional classroom site. Such “branch or extension” shall include, but is not necessarily limited to, such characteristics as:

(1) offering one or more complete programs leading to a diploma or certificate; (2) operating under the school’s certificate of authorization; (3) the ability to meet the same conditions of authorization as the school; and (4) responsibility for the administrative control and academic affairs at the site. The commissioner or his designee shall determine whether a site is a “branch or extension” or an additional classroom site.

(d) “Certification” means the formal action of the commissioner authorizing a program of occupational instruction.

(e) “Commissioner” means the commissioner of higher education.

(f) “Condition of Authorization” means the statutory and regulatory requirements that an applicant or approved school must be in compliance with in order to be authorized or continue to be authorized by the commissioner.

(g) “Course” means a component of a program in a particular subject area.

(h) “Days” means calendar days except where otherwise expressed.

(i) “Enrollment Agreement” means a written contract between the school and student which states the terms and conditions of a student’s enrollment in the school and the obligations of the school to an enrolled student.

(j) “Letter of Financial Commitment and Responsibility” means a legally binding instrument, including any necessary material documents, by which a private occupational school either increases the school’s net worth consisting of liquid assets or provides other evidence of fiscal soundness sufficient to operate the school during the period of authorization or for the period of authorization sought.

(k) “Other evidence of fiscal soundness” means, but is not necessarily limited to, documentation as to the school’s solvency, or documentation as to the sufficiency of the school’s working capital, or documentation of available funds for the subsequent financial reporting period as substantiated by a financial forecast, including actuals as deemed necessary, prepared by the management of the school and, if necessary, examined by a licensed certified public accountant or licensed public accountant.

(l) “Parent or Guardian” means the mother or father of a person under eighteen years of age or one who is legally appointed to the care and management of a person under eighteen years of age or of a person incapable of managing his or her own affairs.

(m) "Private occupational school" means a person, board, association, partnership, corporation or other entity offering instruction in any form or manner in any trade, industrial, commercial or service occupation for any remuneration, consideration, reward or promise of whatever nature, except

- (1) instruction offered under public supervision and control;
- (2) instruction conducted by a firm or organization solely for the training of its own employees or members; or
- (3) instruction offered by a school authorized by the general assembly to confer degrees.

(n) "Program" means occupational instruction, in any form or manner, in any particular trade, industrial, commercial or service occupation, which is designed to provide skills for employment in any particular trade, industrial, commercial or service occupation.

(o) "Proposed School" means an applicant seeking initial authorization to operate as a private occupational school.

(p) "School" means a private occupational school.

(q) "Student" means a person who has made a tuition payment or for whom a tuition payment has been made; except, that in the case of a correspondence or home study school authorized in accordance with the provisions of section 10a-22b of the general statutes, "student" shall mean only a person who is a Connecticut resident enrolled in such school. If any such person is under eighteen years of age or is legally adjudged incapable of managing his or her own affairs, then it shall mean the parent or guardian of that person and such person.

(Effective May 23, 1990; transferred and amended July 25, 1997)

Sec. 10-a-22k-3. Application for a proposed school

(a) No proposed school shall offer any program until a certificate of authorization is issued by the commissioner. A completed application for a certificate of authorization shall be filed with the commissioner not less than 120 days prior to the date on which the proposed school intends to offer its instructional programs.

(b) Application for a proposed school shall be made on such forms as the commissioner shall prescribe. An application for a proposed school shall include, but not be limited to, the following information:

- (1) the proposed name of the school;
- (2) ownership and organization of the school including the names and addresses of all principals, officers and directors;
- (3) names and addresses of all stockholders of the school, except for applicants listed on a national securities exchange;
- (4) addresses of any building or premises on which the school shall be located;
- (5) a detailed description of the program to be offered and a statement of the goals and objectives of the school;
- (6) the proposed student enrollment agreement;
- (7) the proposed school catalog;
- (8) financial statements detailing the financial condition of the applicant prepared by the management of the proposed school and reviewed or audited by a licensed certified public accountant or licensed public accountant in accordance with standards as established by the American Institute of Certified Public Accountants and a financial forecast prepared by the management of the proposed school detailing how the proposed school shall have a net worth consisting of sufficient liquid assets or other evidence of fiscal soundness sufficient to operate the proposed school for the period of authorization sought; in the absence of reviewed or audited financial

statements of the applicant, a financial forecast prepared by the management of the proposed school and examined by a licensed certified public accountant or licensed public accountant which details how the proposed school shall have a net worth consisting of sufficient liquid assets or other evidence of fiscal soundness sufficient to operate the proposed school for the period of authorization sought;

(9) a letter of financial commitment and responsibility in the case of a proposed school whose projected financial condition the commissioner has determined to be not fiscally sufficient to operate for the period of authorization sought;

(10) a copy of the applicant's certificate of incorporation or other business registration on file with the secretary of the state;

(11) a statement indicating any record or prior involvement by any principal, officer or director with a school whose certificate has been revoked;

(12) evidence of on-site inspection of existing facilities or review of plans for proposed facilities by the fire marshal and zoning enforcement officer for the municipality in which the school shall be located indicating that the premises of such school and all other facilities the proposed school shall utilize for program purposes meet all applicable state and local fire and zoning requirements;

(13) a letter of credit for new private occupational schools as required by section 10a-22c of the general statutes, as amended; and

(14) a certificate of insurance issued by a company authorized to do business in this state and in the amounts of at least standard underwriting limits against liability to protect students in all school-related activities and property damage, and for workers' compensation insurance pursuant to chapter 568 of the general statutes.

(c) A nonrefundable application fee of five hundred dollars shall be filed with the application for a proposed school.

(d) The commissioner or his designee shall review all applications and may require the filing of additional information by the applicant.

(Effective May 23, 1990; transferred and amended July 25, 1997)

Sec. 10a-22k-4. Evaluation procedures for initial or renewal of authorization

(a) Upon receipt of a completed application, the commissioner shall cause an evaluation to be conducted and shall notify the applicant, in writing, of the initiation of such evaluation. A private occupational school which has been authorized for at least three consecutive years and is seeking renewal of authorization may be subject to an evaluation pursuant to this section and Section 10a-22k of these regulations provided no private occupational school shall operate for more than three additional years from the date of any renewal without the completion of an evaluation pursuant to said sections.

(b) Within thirty days following receipt of a completed application, the commissioner or a designee of the commissioner shall appoint an evaluation team. The composition of the evaluation team shall be as follows:

(1) at least two members representing the board; and

(2) at least one member for each of the areas of occupational instruction for which authorization is sought who shall be experienced in such occupation. A person shall be deemed to be experienced pursuant to subdivision (2) of this subsection who is currently employed in the occupation to be evaluated and who has been so employed for at least two years.

(3) Employees of the state or any political subdivision of the state may be members of evaluation teams. The commissioner, or the designee of the commissioner, shall not appoint any person to an evaluation team unless the commissioner, or such designee, has received from such person a statement that the person has no interest

which is in conflict with the proper discharge of the duties of evaluation team members as described in section 10a-22k-5 of the regulations and sections 10a-22b and 10a-22c of the Connecticut General Statutes. The statement shall be on a form prescribed by the commissioner and shall be signed under penalty of false statement.

(c) The commissioner shall notify the applicant, in writing, of the appointment of the evaluation team within five days following such appointment. The applicant may challenge any member of the evaluation team for good cause shown. The challenge shall be in writing setting forth the reasons therefor and shall be filed with the commissioner within ten business days following appointment of the evaluation team. The commissioner shall render a decision within ten business days following the date such challenge is filed, and if the challenge is upheld, the commissioner shall appoint a replacement. The commissioner shall appoint a chairperson from the membership of the evaluation team.

(d) The applicant for certification shall provide each member of the evaluation team with a copy of the application submitted pursuant to section 10a-22k-3 or section 10a-22k-7 of these regulations. A statement of evaluation procedures and information to be required shall be sent to the applicant by the commissioner or his designee prior to the on-site evaluation. The on-site inspection made by the evaluation team shall not exceed two days unless extended by a majority vote of the evaluation team. The evaluation team shall also conduct an exit conference with the applicant or his designee concerning the various aspects of the school's operation or proposed operation. Except for state employees, actual travel expenses, meals, and overnight accommodations, if needed, for each member of the evaluation team shall be paid by the applicant subject to approval by the commissioner or his designee and shall in no event exceed state government published travel and per diem limits. Such charges shall be paid by the applicant prior to completion of the on-site inspection.

(e) The report of the evaluation team, pursuant to section 10a-22k-5 of these regulations, shall be prepared by the chairperson based on evaluation members' individual reports. The report shall include the findings of the evaluation team, recommendations for improvement, if any, and a recommendation for authorization or nonauthorization. The report shall be submitted to the commissioner within ten days following the completion of the on-site visitation, but in no event later than seventy-five days following the completed appointment of the evaluation team, except for those instances where an extension of the school's most recent certificate of authorization, pursuant to subsection (c) of section 10a-22k-7 of these regulations, has been granted.

(f) The commissioner shall review the report of the evaluation team and may consult any state agency for assistance. Within ninety days following the completed appointment of the evaluation team, except for those instances where an extension of the school's most recent certificate of authorization, pursuant to subsection (c) of section 10a-22k-7 of these regulations, has been granted, the commissioner shall, in writing, advise the applicant of authorization or nonauthorization. In the event of nonauthorization, the reasons therefor shall be given and the applicant may request in writing of the board a hearing pursuant to chapter 54 of the general statutes. The chairperson of the board may designate a hearing officer or subcommittee of the board to serve as a hearing panel pursuant to section 4-176e of the general statutes. The commissioner shall not grant authorization if:

(1) any principal, officer or director of the school has acted in a similar capacity for a school which has had its authorization revoked because the applicant (1) ceased to meet the conditions of authorization; (2) committed a material or substantial

violation of sections 10a-22a through 10a-22k, inclusive, and sections 10a-22u through 10a-22x, inclusive, of the general statutes, as amended, or regulations promulgated thereunder; (3) made a false statement about a material fact in an application for authorization; or (4) failed to make a required payment to the private occupational school student protection fund pursuant to section 10a-22u of the general statutes, as amended;

(2) the applicant does not have a net worth consisting of sufficient liquid assets or other evidence of fiscal soundness sufficient to operate for the period of time for which authorization is sought;

(3) the applicant or any of its agents engages in advertising sales, collection, credit or other practices which are false, deceptive, misleading or unfair; or

(4) the applicant school has any policy or practice which discourages or prohibits the filing of inquiries or complaints regarding the operation of the school with the commissioner of higher education.

(Effective April 26, 1991, amended September 30, 1992; transferred and amended July 25, 1997)

Sec. 10a-22k-5. Evaluation criteria for initial or renewal of authorization

All schools must meet the following conditions for authorization and the evaluation team shall review and report to the commissioner, pursuant to section 10a-22k-4 of these regulations, on the following minimum requirements:

(a) **Program and courses:** The program provided shall be supported by a proper organizational structure and, where appropriate, consist of laboratory and field work. The quality and content of each course or program of instruction, training or study shall reasonably and adequately achieve the stated objective for which such course or program is offered. The program description shall be published in the school's catalog and shall be clearly stated in units of credit or clock hours. One credit hour shall consist of a minimum of fifteen clock hours of instruction. A "clock hour" or "hour" of instruction shall be defined as a period of sixty minutes with a minimum of fifty minutes of instruction. In the case of home study, the number of lessons needed to reasonably and adequately achieve the stated objective for which the program is offered shall be stated. The program content and length shall be not less than the education and training essential for employment in the field for which the program is offered.

(b) **Instruction:** Instruction shall include defined instructional outcomes; systematic planning by teachers; the selection and use of appropriate and varied types of learning materials and experiences; and the use of valid and reliable evaluation instruments and procedures.

A uniform system of grading criteria shall be used by the school and published in its catalog. Students shall be informed of their grades or standing, in writing, at the completion of each course or, for home study schools, each lesson. Students who are performing unsatisfactorily shall be informed of their grade or standing at least half way through the course or at least every four months, whichever is less. In the case of minors, grade reports shall be sent to parents or guardians. Certificates of graduation, diplomas or certificates covering completion of a specific program shall be issued to students when all the requirements of the course or program are met. The program shall include a fixed number of credits or clock hours or in the case of home study, lessons of instruction required to be satisfactorily completed before program completion certificates or certificates of graduation may be issued to students. Any applicant intending to charge fees for services or products of students or instructors shall provide in its application information indicating that such service or production is necessary to provide adequate experience in the area

in which instruction is offered. A schedule of such fees shall be included with the application.

(c) **Class size and facilities:** Class size shall not exceed the capacity of instructional equipment, materials and facilities and reasonable standards of safety and supervision. Equipment and other instructional materials shall be sufficient in quality, quantity and variety to assure safety and to provide the training specified in a course. The school shall maintain a library adequate for the purposes and objectives of the school. Student housing owned, leased, rented or otherwise maintained by the school shall meet all state and local fire, health and zoning requirements. Each housing unit shall not exceed reasonable standards of occupancy. No student shall be required to sign a lease for a period of time greater than needed to fulfill requirements for graduation or certification.

(d) **Admission of students:** A school shall admit only those students whose educational background and abilities qualify them to pursue the particular program, course or lesson for which enrollment is sought. In no event shall enrollment be solicited in lieu of compulsory elementary or secondary school attendance.

(e) **Tuition and enrollment agreement:** A school and its approved branch facilities shall charge students a uniform rate of tuition and other fees for the same program, provided nothing herein shall prevent a school from making a uniform change in tuition or other fees in new enrollment agreements or shall prevent a school from negotiating with state or federal governmental agencies for group training contracts and charging at lower individual rates for tuition or other fees for students participating in such programs under such contracts. There shall be a standard written enrollment agreement between the school and each student which shall conform to all requirements of federal and state law. In the case of home study schools, such written enrollment agreement shall conform, at the minimum, to all requirements of federal law where the student is not a resident of the state of Connecticut. The enrollment agreement shall include, but not be limited to:

- (1) Title: identification of document as a contract or agreement.
- (2) School: name and address of the school to be attended.
- (3) Course or program: course or program title as identified in the school catalog.
- (4) Time required: number of clock hours and number of weeks or months normally required for completion as stated in school catalog. In the case of home study, the number of lessons required for completion as stated in school catalog.
- (5) Certificate, diploma: identification of type of document to be received by student upon successful completion of the course or program.
- (6) Costs: tuition, books and supplies and other costs.
- (7) Payment: method and terms of payments. Must comply with federal truth-in-lending and state retail installment requirements. In the case of home study schools, must comply, at the minimum, with federal truth-in-lending requirements where the student is not a resident of the state of Connecticut.
- (8) Starting and ending dates: scheduled class starting and ending dates. In the case of home study schools, the scheduled class starting and ending dates may be done through an addendum so long as such addendum is incorporated and attached as part of the enrollment agreement.
- (9) Class schedule: all day, morning, afternoon, evening or other time of class attendance. In the case of home study schools, the schedule of when lessons received by mail are to be completed and returned by mail must be stated.
- (10) Termination by school: grounds for termination by the school prior to completion (such as insufficient academic progress, nonpayment, failure to comply with published school rules and regulations).

(11) Cancellation or termination by student: how to cancel or voluntarily terminate.

(12) Refund policy: details of how the school's tuition and other fees refunded prior to completion of the program or course are computed.

(13) Employment assistance: employment guarantee disclaimer.

(14) Acknowledgments: acknowledgment that the student has read and received a completed copy of the enrollment agreement and such other documents as appended thereto. In the case of home study schools, an enrollment agreement shall not be deemed completed until the authorized school official has signed the student submitted enrollment agreement and has sent to the student a copy of the enrollment agreement duly signed by both the student and the school official.

(15) Signatures: date and signature of student and acceptance date and signature of appropriate school official authorized to sign enrollment agreement. A copy of the school's enrollment agreement shall be filed with the application.

(f) **Student records:** A school shall maintain student records which include:

(1) admission and cumulative records of students including the results of achievement tests if any, academic grades and attendance showing the name and permanent address of each student;

(2) the date the student began instruction at the school;

(3) a copy of the individual enrollment agreement;

(4) information about each program in which the student is or was enrolled, including name of program, length of program in clock hours or credit hours, or, for home study schools, number of lessons, tuition paid, attendance, number of clock hours or credit hours of instruction or where appropriate, lessons completed by the student; and

(5) date of last instruction or of course completion.

Each student shall be provided appropriate educational credentials or statement of achievement by the school upon completion of the courses of studies or withdrawal in good standing from the school. Student records are to be maintained or protected in a manner approved by the commissioner or his designee.

If a school discontinues operation, it shall keep the commissioner advised as to the location and availability of student records or shall file all such records with the commissioner.

(g) **Catalog:** A school shall publish a catalog stating:

(1) the purposes and objectives of the school;

(2) description of facilities;

(3) admission requirements;

(4) placement and other student services;

(5) graduation requirements;

(6) curricula offered and course descriptions;

(7) tuition and other fees;

(8) cancellation and refund policies;

(9) sources of student financial assistance, if any;

(10) length of each approved program in credit or clock hours, or in the case of home study, number of lessons;

(11) student conduct policy and grading policy;

(12) room and board accommodations, if any;

(13) the period of time the catalog covers; and

(14) full legal name, address and telephone number of the school and, if applicable, its branches.

The tuition, other fees and refund policy shall be clearly stated in the catalog or in a comparable publication readily available to students and the general public. Any supplemental publication indicating tuition rates, other fees, refund policy and other financial policies of the school shall be referenced specifically in the catalog of the school.

(h) **Advertising:** Advertising for the school shall be under the complete and correct name and address of the school as listed on its certificate of authorization and shall conform to all requirements of the federal and state Unfair Trade Practices Acts. If training is to be given at a location other than the location of the school itself, such location shall be identified. School advertisements, of any type, shall not indicate or imply the availability of programs at schools or branch facilities where such programs of instruction are not available. If any of the training is other than residential training, advertisements shall so indicate. Advertising shall be factual and shall meet generally accepted standards for professional conduct. No school shall use "blind," "help wanted" or employment columns for advertising. Illustrations in all advertising matter shall relate solely to the school or be clearly designated otherwise. If in its advertising a school includes endorsements by manufacturers, business firms, organizations or individuals, the school shall be able to present written evidence of such endorsement and shall include the date of such endorsement in printed advertising. Only members of the faculty and the officers of the school shall be named in the advertising except that special lecturers or demonstrators may be mentioned in the advertising, if such persons are clearly identified as such. If a course prepared by a person is offered by someone other than such person, it shall clearly be so advertised. No school shall advertise that it operates under state supervision or is recommended by any agency of the state. However, the words "approved by the Connecticut Commissioner of Higher Education" may be used.

(i) **Finances:** Financial resources shall be adequate for the effective achievement of the purposes and objectives of the school, and for meeting all obligations including staff and students. The school shall have a net worth consisting of sufficient liquid assets or other evidence of fiscal soundness sufficient to operate the school during the period of authorization. Financial records shall be kept by the school in conformity with generally accepted accounting principles. Annual financial statements, which detail the financial condition of the school, shall be prepared by school management and reviewed or audited by a licensed certified public accountant or licensed public accountant in accordance with standards established by the American Institute of Certified Public Accountants. A copy of the school's annual financial statements shall be filed each year with the commissioner on or before the last day of the fourth month following the end of the school's fiscal year. Upon a school's written request, the commissioner may authorize a filing extension for a period not to exceed sixty days for good cause shown. The financial statements shall include, but not be limited to:

- (1) income statement;
- (2) balance sheet;
- (3) statement of change in equity or fund balance;
- (4) statement of cash flows;
- (5) footnotes or notes to financial statements;
- (6) cover letter prepared by the licensed certified public accountant or licensed public accountant stating the scope of the review or audit, any opinions, and standards and principles followed;
- (7) school management affirmation statement and, when applicable, a program compliance statement; and

(8) school management statement on fiscal position of the school.

In the case of corporate ownership or partnership of one or more schools or branches the parent organization shall submit an annual reviewed or audited consolidated financial report which must include, but not be limited to: Annual report of the consolidated parent organization or financial statements of the consolidated parent organization and separate financial statements for each Connecticut school. The Commissioner or his designee shall determine whether the separate financial statements for each Connecticut school, submitted in the case of corporate ownership or partnership of one or more schools, has met the requirements of this subsection.

If the commissioner or his designee determines, based upon the annual reviewed or audited financial statements, that the school does not have a net worth consisting of sufficient liquid assets or other evidence of fiscal soundness sufficient to operate, the school shall submit a letter of financial commitment and responsibility in an amount specified by the Commissioner or his designee for the school and branches operating under the certificate of authorization within the state.

(j) **Insurance:** The school shall, in the amounts of at least standard underwriting limits, carry insurance with a company authorized to do business in this state against (1) liability to protect students in all school related activities and (2) property damage. Workers' compensation insurance shall be carried pursuant to chapter 568 of the general statutes. A certificate of issuance of said insurance shall be filed with the commissioner annually in such manner as he shall prescribe.

(k) **Personnel:**

(1) The director of a school shall:

(A) hold a high school diploma, or other equivalency recognized by the board, and

(B) have a minimum of five years experience in the area for which training is offered, or hold an undergraduate diploma from a four-year college and have a minimum of three years of experience in the area of training being offered. The director of the school shall also be experienced in administration. The commissioner shall have the authority, where there is other evidence of qualification, to waive the educational and other requirements for a director. If the school offers instruction in an area in which the director is not qualified, the department head or supervising instructor shall have the above qualifications.

(2) Any person who gives instruction for a school shall:

(A) be at least eighteen years of age;

(B) hold a high school diploma, or other equivalency recognized by the board; and

(C) have not less than two years of experience in the skill or subject to be taught within ten years immediately preceding employment by the school or the equivalent in teacher training approved by the board in the skill or subject taught. The commissioner shall have the authority, where there is other evidence of qualification, to waive the educational and other requirements for an instructor. Persons who have served as assistants to qualified instructors for at least two years may satisfy the experience requirement for instructors. All instructors hired after the date of October 10, 1984 who are required to be holders of state special permits or licenses to practice their trades shall be holders of such permits or licenses and provide evidence thereof to the commissioner or his designee prior to instructing in the practical application of the trade and shall maintain such license or permit during the period for which such instruction is given.

(3) Recruiters representing schools shall be thoroughly familiar with the school and its offerings. The school shall furnish recruiters with identification which shall be available for inspection by prospective students, their parents or guardians, law

enforcement agents and state officials. Recruiters shall refrain from exaggeration, misleading statements, or misrepresentation of any kind. All recruiters shall be agents of the school they represent and the school shall be responsible for their actions regarding recruitment.

(4) Upon application for authorization, a school shall furnish a roster of all school employees having contact with students and shall attest that:

(A) the list is complete and accurate; and

(B) each employee listed meets the minimum requirements for the position for which he is employed. The commissioner or his designee shall be informed promptly of any changes in school personnel.

(Effective May 23, 1990; transferred and amended July 25, 1997)

Sec. 10a-22k-6. Certificate of authorization

Upon approval of authorization of a school, the commissioner shall issue a certificate of authorization stating (1) the specific area or areas of authorization and (2) the duration of the certificate. Within seven days following receipt of a certificate of authorization, the school shall clearly display the certificate in a location visible to students and the public.

(Effective October 10, 1984; transferred and amended July 25, 1997)

Sec. 10a-22k-7. Renewal of authorization

(a) A school which has been authorized for less than three consecutive years shall annually make application for renewal of authorization to the commissioner at least 120 days prior to the date of termination of the most recent certificate of authorization. A nonrefundable renewal fee of one hundred dollars shall be submitted with each application for renewal. Renewal shall not be approved if the commissioner determines that the school fails to meet the conditions of its most recent authorization.

(b) A school which has been authorized for at least three consecutive years may make application for renewal of authorization for a period of up to three years to the commissioner at least 120 days prior to the date of termination of its most recent certificate of authorization. A nonrefundable renewal fee of one hundred dollars shall be submitted with the application. Such authorization of renewal shall not be approved if, upon completion of an evaluation, pursuant to sections 10a-22k-4 and 10a-22k-5 of these regulations, the commissioner determines that the school fails to meet the conditions of its most recent authorization. Schools receiving multi-year renewals shall annually submit, to the board, a one hundred dollar nonrefundable renewal payment which is a condition of continued authorization.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, the commissioner may authorize, at the request of the school or on his own motion, the extension of the most recent certificate of authorization for a period not to exceed sixty days for good cause shown. If a school seeks an extension of its most recent certificate of authorization for a period not to exceed sixty days for good cause shown, the school shall file a written request for such an extension with the commissioner or his designee. The written request shall include, but not be limited to:

(1) the reasons for such a request;

(2) any supporting documentation for such a request; and

(3) the requested number of days of such extension.

Within fourteen days from the receipt of such request the commissioner or his designee may grant or deny such request. The granting of such extension shall not change the date of the original certificate's issuance or the date for each renewal.

(d) An application for renewal of authorization shall include, but not be limited to, the following information:

- (1) the current name of the school;
 - (2) ownership and organization of the school including the names and addresses of all principals, officers and directors;
 - (3) names and addresses of all stockholders of the school, except for applicants listed on a national securities exchange;
 - (4) addresses of any building or premises on which the school is located;
 - (5) a detailed description of the occupational instruction to be offered and a statement of the goals and objectives of the school;
 - (6) the current student enrollment agreement;
 - (7) the current school catalog;
 - (8) financial statements detailing the financial condition of the school prepared by school management and reviewed or audited by a licensed certified public accountant or licensed public accountant in accordance with standards as established by the American Institute of Certified Public Accountants;
 - (9) a letter of financial commitment and responsibility in the case of a school whose financial condition the commissioner has determined to be not fiscally sufficient to operate for the period of authorization sought;
 - (10) a copy of the applicant's certificate of good standing or other business registration on file with the secretary of state;
 - (11) a statement indicating any record of prior involvement by any principal, officer or director with a school whose certificate has been revoked;
 - (12) evidence of on-site inspection of existing facilities or review of plans for proposed facilities by the fire marshal and zoning enforcement officer for the municipality in which the school is located indicating that the premises of such school and all other facilities the school utilizes for program purposes meet all applicable state and local, fire and zoning requirements;
 - (13) if applicable, a letter of credit required by section 10a-22c of the general statutes, as amended; and
 - (14) a certificate of insurance issued by a company authorized to do business in this state and in the amounts of at least standard underwriting limits against liability to protect students in all school-related activities and property damage, and for Workers' Compensation Insurance pursuant to chapter 568 of the general statutes.
- (e) Renewal of authorization for a school which the commissioner has authorized to establish and operate extension or branch schools shall be made and continued only upon the annual payment to the State Board of Education of the fee required under subsection (b) of section 10a-22k-8 of these regulations.
- (f) The commissioner or his designee shall review all applications and may require the filing of additional information by the applicant.

(Effective May 23, 1990, amended September 30, 1992; transferred and amended July 25, 1997)

Sec. 10a-22k-8. Revision

(a) During any period of authorization, a school may revise the conditions of authorization provided written notice of such revision shall be given to the commissioner at least thirty days prior to implementation of any intended revision. If the revision request is not denied by the commissioner, the revision shall be deemed approved for the same period as the current authorization. Such revision may include, but need not be limited to, changes in (1) courses or programs; (2) ownership of the school; (3) name of the school; or (4) location of the school or its branches or its classroom sites. In the event of a proposed additional program, on-site inspection

may be required by the commissioner. The commissioner may issue an order prohibiting such revision if it would constitute a material or substantial deviation from the conditions of the most recent authorization. The school may appeal, in writing, the order of the commissioner by filing an appeal with the board setting forth the grounds for appeal. A hearing shall be held within fourteen working days following receipt of such complaint to be conducted pursuant to chapter 54 of the general statutes. The chairperson of the board may designate a hearing officer or subcommittee to serve as a hearing panel pursuant to section 4-176e of the general statutes.

(b) A school may establish and operate extension or branch schools or additional classroom sites for the purpose of offering the occupational instruction for which the school is authorized. Notice of the location of the extension or branch school or additional classroom site and the course or program instruction to be offered shall be filed with the commissioner at least thirty days prior to the offering of such instruction. Certificates signed by the local fire marshal and zoning enforcement officer attesting that the buildings and premises for such extension or branch or additional classroom operation meet all applicable state and local fire and zoning requirements shall be filed with the commissioner prior to the commencement of instruction. A nonrefundable fee, in the amount of \$50.00, shall be paid annually to the state board of governors of higher education for each branch or extension school operated. The commissioner may issue an order prohibiting operation of extension or branch schools or additional classroom sites if it would constitute a material or substantial deviation from the conditions of the most recent authorization. In the event of such an order, the applicant may request in writing a hearing by the Board, such hearing to be held within fourteen working days following receipt of such request and to be conducted pursuant to chapter 54 of the general statutes. The chairperson of the board may designate a hearing officer or subcommittee to serve as a hearing panel pursuant to section 4-176e of the general statutes.

(Effective May 23, 1990, amended September 30, 1992; transferred and amended July 25, 1997)

Sec. 10a-22k-9. Revocation and emergency action

(a) The commissioner may revoke a certificate of authorization issued to a school if such school:

- (1) ceases to meet the conditions of authorization;
- (2) has committed a material or substantial violation of any provisions of sections 10a-22a through 10a-22k, inclusive, or sections 10a-22u through 10a-22x, inclusive, of the general statutes, as amended, or of regulations promulgated thereunder;
- (3) has made false statement about a material fact on its application; or
- (4) fails to make required payment to the private occupational school student protection account pursuant to section 10a-22u of the general statutes, as amended.

(b) The commissioner shall serve written notice upon such school indicating that revocation of authorization is under consideration.

Upon receipt of such notice with the reasons set forth for the consideration of revocation of authorization, a school may file within seven days a written request for administrative review by the commissioner or his designee. Within twenty-one days after the receipt of such request, the commissioner or his designee shall begin an administrative review and shall complete the review within twenty-one days after beginning such review. Within twenty-one days after the completion of such review, the commissioner or his designee shall give written notice of the conclusions of the review to the school. A school aggrieved by the decision of the commissioner or his designee may, within fourteen days following its receipt of official notice of the completion and conclusions of such administrative review, appeal, in writing

setting forth the reasons thereof, to the board. The board shall hold a hearing within twenty business days following receipt of such appeal to be conducted pursuant to chapter 54 of the general statutes. The chairperson of the board may designate a hearing officer or subcommittee to serve as a hearing panel pursuant to section 4-176e of the general statutes.

(c) If the commissioner finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in his order, summary suspension of authorization may be ordered, pursuant to section 4-182 of the general statutes, pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined.

(d) The board may seek to prevent or remedy any violation of these regulations through the use of an injunction pursuant to chapter 916 of the general statutes.

(Effective May 23, 1990; transferred and amended July 25, 1997)

Sec. 10a-22k-10. School facilities and records

(a) Approval of occupancy attested to by the building official and fire marshal for the municipality in which the school is located shall be filed with the Commissioner prior to occupancy by students of any school building of student housing owned, rented, leased or otherwise maintained by the school. Evidence of continuing compliance with state and local fire and health requirements shall be filed annually with the commissioner in such manner as he shall prescribe.

(b) The commissioner or his designee may at any time during regular business or school hours, with or without notice, visit a school. During such visitation, the commissioner or his designee may request of an officer or director of the school and shall be provided with immediate access to such records or information as are required to verify that the school continues to meet the conditions of authorization.

(Effective October 10, 1984; transferred and amended July 25, 1997)

Sec. 10a-22k-11. Out-of-state school representatives

Any representative of an out-of-state private occupational school, not authorized pursuant to sections 10a-22a through 10a-22k, inclusive, of general statutes, as amended, and these regulations shall not visit the residence of any prospective student, solicit enrollments, sell occupational instruction in any form or manner, make representations or give counsel to prospective students until obtaining a permit from the commissioner. Application for such permit shall be in writing and shall include the following information:

(1) name, resident address, business address and telephone number of the representative;

(2) name and address of the school or schools he or she represents;

(3) evidence that the school is authorized to give instruction by the state wherein the school is located and is in good standing;

(4) evidence that the school, if a corporation, is in good standing where incorporated, and is registered in good standing to do business in Connecticut; and

(5) copies of the school catalog, sales literature, and enrollment agreement.

Upon application and submission of a fee of twenty-five dollars, the commissioner shall, if all requirements are met, issue a permit to the school representative valid for a period of one year following the date of issuance. The issuance of a permit shall not be represented to indicate that the school or its courses of instruction are approved by the commissioner.

(Effective October 10, 1984, amended September 30, 1992; transferred and amended July 25, 1997)

Sec. 10a-22k-12. Assessment of administrative penalty

(a) The commissioner shall serve written notice upon a school indicating that an assessment of an administrative penalty, not to exceed five hundred dollars for each day of such violation, is under consideration. The commissioner shall set forth the reason such administrative penalty is being considered. Upon receipt of such notice, a school may file within seven days a written request for administrative review by the commissioner or his designee. Within forty-five days after the receipt of such request, the commissioner or his designee shall complete an administrative review and give written notice of the determination of the review to the school. A school aggrieved by the decision of the commissioner or his designee may, within fourteen days following its receipt of official notice of the completion and determination of such administrative review, appeal, in writing, setting forth the reasons thereof to the board. The board shall hold a hearing within twenty business days following receipt of such appeal to be conducted pursuant to chapter 54 of the general statutes. The chairperson of the board may designate a hearing officer or subcommittee to serve as a hearing panel pursuant to Section 4-176e of the General Statutes.

(b) The total amount of an administrative penalty that a school shall be assessed shall be calculated in accordance with the following formula:

(1) The number of days that a school is in violation shall be the difference between the day on which the school is notified, by receipt of certified letter, that it is in violation and the day on which the commissioner or his designee notifies said school that the violation has been corrected.

(2) The penalty shall not exceed five hundred dollars for each day of such violation.

(3) The total amount of an administrative penalty shall be the product of the number of days that a school is in violation times the dollar amount per day penalty.

The commissioner may assess an administrative penalty for each violation in accordance with the above formula whenever there exists one or more violations. If a school appeals an administrative penalty in accordance with section 10a-22k-12(a), payment of the administrative penalty shall not be due until seven days after the determination of the appeal if said determination finds that the school was in violation. If a school does not appeal an administrative penalty provided under section 10a-22k-12(a), payment of the administrative penalty shall be due no later than seven days after the receipt of the certified letter containing a notice of assessment. The total amount of an administrative penalty shall be calculated on the number of days that a school is in violation notwithstanding any appeals initiated by a school.

(c) In imposing the administrative penalty, the commissioner shall consider all factors which he deems relevant, including, but not limited to, the following:

(1) the amount of administrative penalty necessary to insure immediate compliance and to assure the school's continued compliance with statutes and regulations;

(2) the conduct of the school in taking all reasonable steps or procedures necessary and appropriate to comply with statutes and regulations and to correct the violation; and

(3) any prior violations by the school of statutes, regulations or orders administered, adopted or issued by the commissioner.

(d) The commissioner shall, for the purposes of determining and assessing an administrative penalty, use the following tables and classifications:

Class #1 Violation

Category	Violation	Penalty
New School	Operating without a certificate	Not less than \$100 nor more than \$500 per day.
Existing School	Operating without a certificate	Not less than \$100 nor more than \$500 per day.
	Operating without applicable state and local fire certificates	Not less than \$100 nor more than \$500 per day.
Extension or Branch School	Operating without liability, property damage or worker's compensation insurance	Not less than \$100 nor more than \$500 per day.
	Operating without an amended certificate	Not less than \$100 nor more than \$500 per day.
Revision	Operating without an amended certificate which affects original ownership or location of school	Not less than \$100 nor more than \$500 per day.

Class #2 Violation

Category	Violation	Penalty
Existing School	Operating without irrevocable letter of credit	Not less than \$50 nor more than \$250 per day.
	Operating without sufficient liquid assets or other evidence of fiscal soundness	Not less than \$50 nor more than \$250 per day.
	False statement about a material fact in application for authorization	Not less than \$50 nor more than \$250 per day.
	Failure to make required payment to default assurance fund	Not less than \$50 nor more than \$250 per day.
	Failure to file annual financial report	Not less than \$50 nor more than \$250 per day.
	Operating without a certificate of "good standing" on file with Secretary of State	Not less than \$50 nor more than \$250 per day.
Revision	Operating without an amended certificate which affects courses or programs	Not less than \$50 nor more than \$250 per day.

Class #3 Violation

Category	Violation	Penalty
Existing School	Operating without applicable zoning certificate	Not less than \$50 nor more than \$100 per day.
	Advertising, sales, collection, credit or other practices which are false, deceptive, misleading or unfair.	Not less than \$50 nor more than \$100 per day.
	Policy or actions which discourage or prohibit the filing of inquiries or complaints regarding the school's operation with the Commissioner	Not less than \$50 nor more than \$100 per day.
Miscellaneous	Failure of a school not authorized under Connecticut Statutes and Regulations to file application and to pay fee for their representatives to operate within State of Connecticut	Not less than \$50 nor more than \$100 per day per representative.

(e) The absence of a particular violation and assessment penalty from the above tables and classifications shall not preclude the commissioner from classifying any violation and determining, assessing and imposing an administrative penalty in accordance with subsections (a) through (d), inclusive, of this section.

(f) The assessment of an administrative penalty shall not preclude the commissioner from revoking a school's certificate of authorization.

(Effective April 26, 1991; transferred and amended July 25, 1997)

Sec. 10a-22k-13. Complaints and inquiries

(a) No school shall have any policy nor shall act in any manner which discourages or prohibits the filing of inquiries or complaints regarding the school's operation with the commissioner.

(b) The school shall clearly display in a location visible to students and the public:

(1) The statement that the school does not have any policy nor acts in any manner which discourages or prohibits the filing of inquiries or complaints regarding the school's operation with the commissioner; and

(2) the school's procedures for resolving complaints regarding the school's operation, including the filing of inquiries or complaints with the commissioner.

(c) Any complaint regarding the school's operation shall be submitted in writing to the commissioner. Upon receipt of such written complaint the commissioner or his designee shall inform in writing both the school and the complainant regarding said receipt and shall give both parties twenty days to resolve the complaint.

If the complaint is resolved within the twenty-day period, both parties shall inform the commissioner or his designee. If the complaint is not resolved within the twenty-day period, the complainant shall inform the commissioner or his designee.

In unresolved cases, the commissioner or his designee shall attempt to mediate the complaint which includes the evaluation of the complaint, the determination whether there is any violation of existing statutes or regulations which may be cause for revocation or emergency action as provided under Section 10a-22k-9 or administrative penalties as provided under Section 10a-22k-12, and the submission of a written proposed resolution of the complaint to both parties. If either party does not accept the proposed resolution of the complaint, the commissioner or his designee shall inform both parties concerning their right to pursue a resolution of the complaint in Connecticut Superior Court or through other legal means. The evaluation procedures in unresolved cases shall include, but not to be limited to the following: (1) interview with the complainant unless waived by the complainant, (2) review of all pertinent documents, and (3) visit to the school against which the written complaint has been filed.

(Effective August 24, 1987; transferred and amended July 25, 1997)

Sec. 10a-22k-14. Refund or cancellation policy

(a) A school shall have a reasonable and equitable written policy for refund or cancellation of tuition or other fees and shall make said policy available to all prospective students, their parents or guardians, or interested public. A school shall state its policy and schedule of refunds in clear language that can be easily understood. The policy shall apply to all terminations, for any reason, by either the school or the student.

(b) In all instances, the refund shall be based on and computed from the last day of actual verifiable attendance. A school shall not require written notification of withdrawal as a condition for making refunds. A school shall uniformly apply the

refund or cancellation policy and shall incorporate said policy within its enrollment agreement and catalog.

(Effective August 24, 1987; transferred and amended July 25, 1997)

Sec. 10a-22k-15. Forms

The commissioner or his designee may prescribe for applicants and schools the use of such forms as may be necessary to carry out the duties required by statutes and regulations.

(Effective August 24, 1987; transferred and amended July 25, 1997)